



ATTACHMENT A

Remarks

Claim 1-23 remain pending in this application. Claims 8 and 13 have been amended as discussed below and new claims 24-27 have been added.

Considering the matters raised in the Office Action in the same order as raised, the correction of the record made in section 3 is noted. No comment is believed to be necessary.

Turning to section 4, Applicant provisionally withdraws the arguments based on the declaration filed under 37 CFR 1.131. For the reasons set forth below, it is believed that the declaration is not necessary here.

Claims 1, 7, 8 and 13 have been rejected under 35 U.S.C. § 112, first paragraph, as “failing to comply with the enablement requirement.” This rejection is respectfully traversed.

A first aspect of this rejection concerns the language “wireless notification transceiver” and it is respectfully submitted that the objection here is not well taken. The specification fully describes “notification controller” 105 of Figure 1(A) and “external transmitter” 135 of Figure 1(B) and states that, for example, “notification controller 105 is capable of both transmitting and receiving a signal.” Similarly, unit 135 is described as a “transceiver.” As for being “wireless” the specification recites that the controller 105 “typically transmits a signal that one of the frequencies licensed by the Federal Communication Commission (FCC) for local use” and the drawings show unnumbered antennas on the controller 105 and transceiver 125 (and external transmitter 135 and transceiver 125) for transmitting and receiving the radio frequency signals. Such wireless transceivers are well known in the art, and given that the specification is directed to one of ordinary skill in the art, it is respectfully submitted that it would be well within the skill of one of ordinary skill in the art to implement a “wireless notification transceiver.”

The second issue concerns the contention that the specification does not disclose “the operative information of the ‘software to control a notification controller coupled to a bus and wireless transceiver’ for signaling upon detection of an event made.” With all due respect, it is not clear what the Examiner has in mind here. The

specification clearly discloses signaling the notification controller that an event has been detected. The process of signaling the notification controller 105 or communication controller 130 is described in some detail in the specification at line 19, page 10 through line 12, page 12. One of ordinary skill in the art would certainly be able to implement this aspect of the invention based on this disclosure. To the extent that the Examiner is objecting to the fact that the software for doing this is not specifically disclosed, the reference to "software controlling the notification controller" has been eliminated in claims 8 and 13 even though it is respectfully submitted that one of ordinary skill in the art could certainly implement such software. In any event, withdrawal of the rejection of the claims 1, 7, 8 and 13 under 35 U.S.C. 112, first paragraph, is respectfully requested.

Claims 1-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuchi (hereinafter Tabuchi) in view of Ruckdashel (hereinafter Ruckdashel). This rejection is respectfully traversed.

First, it is respectfully submitted that the cited references do not establish a *prima facie* case of obviousness, and, in this regard, given the actual teachings of the references, there is no suggestion therein which would suggest combination of the teachings thereof.

The Tabuchi patent relates to "an event generating and delivering system for generating an event as a result of recognition of a result of output of a computer according to a recognition algorithm." The system includes an "event generating and delivering portion" 122 which the Examiner attempts to somehow equate to the wireless notification transceiver of the claims, contending that the "event generating and delivering portion, element 122, is similar to the notification controller of the instant invention. See column 4: line 66 et seq. The Examiner also states that the Tabuchi patent teaches "a wireless notification receiver" as claimed, in "column 1 at lines 28-32, wherein it is stated that an 'event generating and delivering portion generates an event corresponding to an input data ...'

It is respectfully submitted that the Tabuchi patent discloses nothing whatsoever about a wireless transmitter or any other kind of transmitter or receiver. The passage in Tabuchi cited by the Examiner, which is set forth in the introductory portion of the patent and relates to the prior art, merely provides, when read in context, that generated event

data is stored (in a queue) for delivery to application programs, and includes no teaching or suggestion that a wireless transceiver is involved in any way.

Turning to the Ruckdashel patent, it is respectfully submitted that the teachings of this patent are unrelated to those of the Tabuchi patent. In this regard, the Ruckdashel patent relates to a system for notifying an individual of a previously scheduled event. Scheduling information is accessed and analyzed and, when a scheduled event occurs, the user is notified in a manner that is specified by the user. The manner of notification can include a wireless pager or a wireless telephone. It is respectfully submitted that keeping track of appointments, work assignments and deadlines, on a electronic calendar or the like using scheduling software, has nothing to do with the events contemplated in the Tabuchi patent (wherein an event is generated in response to an input by the user through an input device such as a keyboard mouse or the like) and certainly nothing to do with the events to which the claims are directed i.e., an event generated by a computer program e.g., in response to the arrival of a voicemail message or an e-mail). The Ruckdashel patent is concerned with notifying a user that the time of a previously scheduled event has arrived and requires entry of a listing of scheduled events into the system. In other words, the Ruckdashel system is merely a calendaring system wherein preset dates are first entered. It is respectfully submitted that this is a much different thing from monitoring the completion of a task which has no specific end date, monitoring the arrival of an e-mail or fax which has no specific arrival time, or monitoring other like events generated by a computer program.

Accordingly, it is respectfully submitted that no proper motivation to combine the references has been cited. As set forth in a previous response, a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, must be shown in order to combine the reference teachings (see MPEP 2143.01). The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. In re Sand Su Lee, 277 F.3d 1338, 612 USPQ2d 1430 (Fed. Cir. 2002). Mere conclusory statements do not fulfill the Office Actions burden. Id. The court in Lee also stated that "[t]his factual question of motivation is material to patentability, and

could not be resolved on subjective belief and unknown authority.” With respect to the motivation to combine Tabuchi and Ruckdashel, it is, respectfully submitted that the Office Action does not provide such evidence or explanation for a suggestion or motivation to combine. Instead, the Office Action merely makes the conclusory statement that the combination of Tabuchi with Rackdashel was obvious to one of ordinary skill in the art at the time the invention was made “so as to have achieved more flexibility, quicker access, and a more efficient system.” It is respectfully submitted that the Office Action has not provided objective evidence and authority for a suggestion or motivation to combine the references. Instead, the Office Action merely provides a conclusory statement of the Examiner’s subjective judgment of the purported benefits of the combination, and does not provide objective reasoning as to how one of skill in the art would be motivated to combine the art particularly given the actual teachings of the references. Accordingly, it is respectfully requested, particularly given the actual teachings of the references, that the Examiner provide a motivation to combine that meets the standards set forth by the Federal Circuit in Lee on withdraw the rejection.

Further it is respectfully submitted that the combination of Tabuchi and Ruckdashel fails to teach or disclose each and every element of the claims. For example, each of independent claims 1, 7, 8 and 13 recites a wireless transceiver. Applicant notes that the Merriam Webster online dictionary at www.m-w.com defines a transceiver as “a radio transmitter-receiver that uses many of the same components for both transmission and reception.” It is submitted that this definition is consistent with the use of the term by those of skill in the art. Applicant has reviewed Tabuchi and Ruckdashel and can find no teaching or disclosure of a wireless transceiver integrated within a computer to transmit signals to a corresponding receiving transceiver. As indicated above, the Office Action states that Tabuchi, at column 1, lines 28-32, teaches a transceiver. Again, it is respectfully submitted that the cited passage of Tabuchi does not teach a wireless transceiver but rather merely states that generated event data is stored in a queue for delivery to application programs. In other words, there is no teaching or disclosure of any involvement of a wireless transceiver, but rather only a teaching that the event data is stored in queues on storage devices.

In addition, Ruckdashel fails to teach or disclose a wireless transceiver as recited in claims 1, 7, 8 and 13. The Office Action states that Ruckdashel at column 3, lines 26-32 "teaches notification as being in the form of a message which must be communicated as a signal of some form." It is noted that the cited section merely refers to email message delivery, not the delivery of a message via a wireless transceiver integrated with a computer system. Further, the Office Action asserts that element 104 in Ruckdashel is a transceiver. However, Ruckdashel, at column 2, lines 60-66, makes it clear that element 104 is an input/output module that includes circuitry for interfacing the processor 102 with other devices within the computer system 100, including the display or output device 106, and the (optional) local mass storage 108. The module 104 also interfaces the computer 100 to the network 120 which may be a local or wide area network. Thus, element 104 is not, in fact, a wireless transceiver as recited in the claims.

For the above, reasons, it is respectfully submitted that the combination of Tabuchi and Ruckdashel fails to teach or disclose a wireless transceiver and therefore fails to teach each and every element of claims 1, 7, 8 and 13. If the Examiner disagrees, it is respectfully requested that the Examiner identify a specific element of Tabuchi or Ruckdashel that corresponds to the wireless transceiver of the claims. Absent this, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 7, 8 and 13.

Claims 2-6 and 19 depend from claim 1, claims 20-22 depend from claim 7, claim 9-12 and 23 depend from claim 8 and claims 14-18 depend from claim 13. These dependent claims are patentable for at least the reasons discussed above regarding claims 1, 7, 8 and 13.

Finally, new claims 24-26 have been added which recite specific events not disclosed in either Tabuchi or Ruckdashel and thus which further patentably define over those references.

Allowance of the application in its present form is respectfully solicited.

END REMARKS